IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

WP(C).No. 14451 of 2005(U)

PETITIONER:

V.P.CHANDRA BOSE, S/O.PAPPU,
PRANAVAM, MIDAYIKKUNNU, VADAYAR VILLAGE,
THALAYOLAPARAMBU P.O., VAIKOM, DIST. KOTTAYAM.

BY ADV. SRI.K.REGHU KOTTAPPURAM
SMT.URSULA FRANCIS
SRI.M.MUKESH

RESPONDENTS:
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1. THE WELFARE FUND INSPECTOR,
THE KERALA TODDY WORKERS WELFARE FUND BOARD,
KOTTAYAM.

2. THE DEPUTY TAHASILDAR (RR),
VAIKOM, DIST. KOTTAYAM.

3. C.C. BAIJU, CHARANKATTU HOUSE,
CHERTHALA P.O., ALAPPUZHA.

4. UDAYAKUMARI, CHARANKATTU HOUSE,
CHERTHALA P.O., ALAPPUZHA.

5. THOMAS V. VARGHESE,
CHENNATTU MARY VILLA,
KOKKOTHAMANGALAM P.O., CHERTHALA, ALAPPUZHA.

6. MARYKUTTY THOMAS,
CHENNATTU MARY VILLAGE, KOKKOTHAMANGALAM P.O.,
CHERTHALA, ALAPPUZHA.

7. A.J.ALBERT, ANJILIPARAMBIL,
PATHIRAPPALLY, ALAPPUZHA.

BY ADV. SRI.K.K.JOHN, SC, KTWWF BOARD
SRI.K.K.BABU
SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN
G.P. SMT.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 FINAL DETERMINATION ORDER DT.18.11.03.

P2 RR NOTICE DT.28.3.05.

P3 NOTICE DT 28.3.05 FOR ATTACHMENT

P4 INTERIM ORDER DT 23.7.04

P5 APPLICATION DT 11.4.05 FILED BEFORE R1.

TRUE COPY

P.A. TO JUDGE

C.N. RAMACHANDRAN NAIR, J.

W.P. (C) No. 14451 OF 2005 U

Dated this the 21st day of November, 2006

J U D G M E N T

Writ petition is filed for direction to respondents 1 and 2 to proceed for recovery of toddy workers' welfare fund from respondents 3 to 7, who were admittedly licensees. According to the petitioner, licensees are employers and recovery from them is the decision of the Supreme Court. However, it is conceded that the petitioner carried on business based on arrangement between licensees and himself. Counsel for the petitioner submitted that the petitioner was only the Manager of the toddy shops. The standing counsel for 1st respondent submitted that employees have given evidence that the petitioner carried on the business. In the circumstances, the finding of the 1st respondent that the petitioner and the licensees are jointly and severally liable for payment of contribution cannot be interfered with. It is open to the recovery authority to proceed for recovery against the petitioner and respondents 3 to 7. The writ petition is closed with the above observation. Whatever paid by the petitioner will be adjusted towards arrears and only the balance will be recovered from the petitioner and others, who are held liable.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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